**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

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**WRIT PETITION NO : 4956 of 2004**

**16-09-2005**

Between:

Sri Anjaneya Swamy Temple, Rep. by its Chairman, C.N. Kishanlal,
S/o. Nandya Chuhan, Aged about 60 years, R/o. Banjara Hills Road No.14,
Nandinagar, Hyderabad.

**..... PETITIONER**

AND

1 The District Collector, Nampally, Station Road, Hyderabad. And others.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

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**WRIT PETITION NO : 4956 of 2004**

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**O R D E R:**

This writ petition has been filed by the petitioner with a prayer to issue a Writ of Mandamus or any other appropriate Writ or Order directing the 1st respondent to allot the land of 21 Guntas situated in Sy.No.403, Shaikpet, Banjara Hills Manda, Hyderabd District in favour of the petitioner Society on such terms and conditions for community purpose like construction of School, Hospital, Community Hall etc., keeping in view the report submitted by the then Tahsildar, Golkonda Taluk.

The Chairman of the petitioner-temple has sworn to the writ affidavit. It is stated in the affidavit filed in support of the writ petition that the petitioner is a

Society registered under the Societies Act with Registration No.7/81 and it manages the affairs of Sri Anjaneya Swamy temple situated at Sy.No.403, Nandinagar, Banjara Hills, Hyderabad. The temple has been in existence for more than three decades and it is visited by many devotees regularly. There is vacant land of 21 guntas around the temple belonging to the Government. In order to construct permanent temple, Community Hall, School and Hospital for the use of the general public, the petitioner-society has represented to the 1st respondent-District Collector in the year 1981 seeking allotment of the said land of 21 guntas in favour of the temple. On the application of the petitioner-society, a local enquiry was conducted by the then Tahsildar, Golkonda Taluk and he recommended allotment of site to the petitioner's society vide his report dated 5-12-1983. According to the petitioner-society, no orders have been passed on the said representation. Thus the present writ petition with the prayer as stated supra.

The respondents filed counter affidavit. Sri G.Venkateswarlu has sworn to the counter affidavit.

It is stated in the counter affidavit that a report vide No. G/9266/84 dated 15-07-1987 has been submitted by the Revenue Divisional Officer that the area now available for alienation in favour of the petitioner-temple is an extent of Ac.015 guntas only and part of the land overlaps with the layout plan of Venkateswara Nagara Colony. I deem it appropriate to refer the relevant portion of the counter affidavit and it is thus:

> " It is submitted that on clarification sought for, the RDO submitted his report to the Collector vide No. G/9266/84 dated 15-07-1987 stating that while submitting the proposals neither the Taluk Office nor RDO's Office have taken consideration the assignment of house sites to hut dwellers as ordered in G.O.Ms.Mo.726, Revenue dated 04-07-1968 and the proposals of U.C.D. Though both the proposals for alienation of Ac.0.21 guntas to Anjaneya Swamy Temple and allotment of house sites are covered by Sy.No.403 (Revision Sy.No.346/1) keeping the land allotted to Sri Venkateshwara Nagar, the MRO, Golkonda has submitted a report in his reference No. c/3670/81, dated
> 09-09-1986 requesting to recommend for alienation of an extent of Ac.0.15 guntas only in favour of Sri Anjaneya Swamy Temple. A detailed report was submitted in the RDO's office letter No. G/9266/84, dated 10-09-1986 stating that the area now available for alienation in favour of temple is Ac.0.15 guntas only and that out of Ac.0.21 guntas originally proposed for alienation

out of which Ac.0.06 guntas overlapped with the layout plan of Venkateshwara Nagar Colony. 4 plots in full and portion of 2 plots are existing in the overlapped portion of Ac.0.06 guntas where already pattas were issued. Another report was also submitted to the Collector in the RDO's Office reference No. D.O.G/9266/84 dated 19-09-1986 in his regard.

The Collector, Hyderabad District in turn addressed a letter to the Secretary to Commissioner of Land Revenue A.P.Hyderabad vide Lr.No.C3/6862/81, dated 05-08-1987 stating all the facts including that of imposition of Ban by the Government on alienation of Government lands in favour of the private individual and institution and land can be allotted only for the purpose of house sites to the weaker sections of the society and stated that the request of the temple for alienation of the land cannot be considered."

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Assignment appearing for the respondents.

Learned counsel for the petitioner submitted that no orders have been communicated to the petitioner-society on the representation submitted earlier. He further submitted that a fresh representation was submitted on 04-08-2005 seeking for allotment of site, which is already in the possession of the petitioner.

Learned Government Pleader for Assignment appearing for the respondents contraverted the fact of the petitioner having in possession of the land which they sought for allotment.

In view of the submissions made by both the learned counsel, without going into the aspect as to who is in possession of the land, I deem it appropriate to direct the 1st respondent-District Collector to dispose of the representation dated 04-08-2005 submitted by the petitioner-society within period of one month from the date of receipt of a copy of this order. Till then, the order of Status-quo granted by this Court on 25-03-2005 shall be maintained.

With the above direction, the writ petition is disposed of. No costs.

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16-09-2005

Mjl/*